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Attorneys for Defendants *Marwan*
Shipping & Trading and Five
Seas Shipping Co., LLC

FILED
DISTRICT COURT OF GUAM

DEC 13 2006

MARY L.M. MORAN
CLERK OF COURT

IN DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARWAN SHIPPING & TRADING, LLC,
FIVE SEAS SHIPPING CO., LLC AND S.J.
GARGRAVE SYNDICATE 2724, *in*
personam,

Defendants.

AND CROSS-CLAIMS, COUNTERCLAIMS,
THIRD-PARTY COMPLAINT, AND CLAIM
IN INTERVENTION.

CASE NO. 06-00011

**MARWAN AND FIVE SEAS ANSWER TO
INCHCAPE'S AMENDED COMPLAINT IN
INTERVENTION; AND COUNTERCLAIM**

ANSWER TO AMENDED COMPLAINT IN INTERVENTION

1. Admit.
2. These answering defendants admit that this Court has jurisdiction of this matter.
3. Admit.

MARWAN AND FIVE SEAS ANSWER TO INCHCAPE'S
AMENDED COMPLAINT IN INTERVENTION; AND
COUNTERCLAIM - 1

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1 4. These answering defendants are without knowledge and information sufficient to answer
2 this paragraph and therefore deny same.

3 5. Denied.

4 6. Admit.

5 7. Admit.

6 8. These answering defendants are without knowledge and information sufficient to answer
7 this paragraph and therefore deny same.
8

9 9. Marwan Shipping & Trading, LLC, Sharjah (Marwan) is a UAE corporation. Except as
10 so admitted, the allegations of paragraph 9 are denied.

11 10. Five Seas Shipping Company, LLC, Sharjah (Five Seas) is a UAE corporation. Except as
12 so admitted, the allegations of paragraph 10 are denied.

13 11. Denied.

14 12. Marwan was the general agent of the M/V AJMAN 2. The AJMAN 2 was foreign
15 flagged and registered. Except as so admitted, the allegations of paragraph 12 are denied.
16

17 13. This paragraph is not directed at these answering defendants and no answer is required.

18 14. This paragraph is not directed at these answering defendants and no answer is required.

19 15. Admit.

20 16. Admit.

21 17. The underlying factual basis for the U.S. government's lawsuit and Inchcape's Amended
22 Complaint in Intervention revolve around the events that followed from the entry of the AJMAN
23 2 into the Port of Guam and the negligent acts and omissions of agents of the US and Inchcape.
24 Except as so admitted, the allegations of paragraph 17 are denied.
25
26

1 18. The US Government claimed that the AJMAN 2 posed a substantial threat of pollution.
2 The complaint speaks for itself. Except as so admitted, the allegations of paragraph 18 are
3 denied.

4 19. Denied.

5 20. Admit.

6 21. These answering defendants are without knowledge and information sufficient to answer
7 this paragraph and therefore deny same.
8

9 22. These answering defendants admit that an agent in the US had to be designated and that a
10 COFR was required before the AJMAN 2 was allowed to enter the Port of Guam. Except as so
11 admitted, the allegations of paragraph 22 are denied.

12 23. These answering defendants are without knowledge and information sufficient to answer
13 this paragraph and therefore deny same.

14 24. The COFR application speaks for itself. Except as so admitted, the allegations of
15 paragraph 24 are denied.
16

17 25. The US Government served its summons and complaint on Five Seas through Inchcape.
18 Except as so admitted, the allegations of paragraph 25 are denied.

19 26. The COFR application speaks for itself. Except as so admitted, the allegations of
20 paragraph 24 are denied.

21 27. Denied.

22 28. Inchcape notified Five Seas of the Government's Lawsuit. Except as so admitted, the
23 allegations of paragraph 28 are denied.
24

25 29. These answering defendants are without knowledge and information sufficient to answer
26 paragraph 29 and therefore deny same.

1 30. These answering defendants are without knowledge and information sufficient to answer
2 paragraph 30 and therefore deny same.

3 31. These answering defendants are without knowledge and information sufficient to answer
4 paragraph 31 and therefore deny same.

5 32. These answering defendants are without knowledge and information sufficient to answer
6 paragraph 32 and therefore deny same.

7 33. Denied.

8 34. Denied.

9 35. Navigators, Al Buhair and S.J. Gargrave were insurers of the AJMAN 2. Except as so
10 admitted, the allegations of paragraph 35 are denied.

11 36. Navigators, Al Buhair and S.J. Gargrave were insurers of the AJMAN 2. Except as so
12 admitted, the allegations of paragraph 36 are denied.

13 37. Admit.

14 38. These answering defendants do not know what damage was incurred by the Port of
15 Guam. Subject to this qualification, the allegations of paragraph 38 are admitted.

16 39. These answering defendants are without knowledge and information sufficient to answer
17 this paragraph and therefore deny same.

18 40. No answer is required to paragraph 40.

19 41. These answering defendants are without knowledge and information sufficient to answer
20 this paragraph and therefore deny same.

21 42. Denied.

22 43. Denied.

23 44. Denied.

1 45. Denied.

2 46. No answer is required to paragraph 46.

3 47. Denied.

4 48. Denied.

5 49. No answer is required to paragraph 49.

6 50. Denied.

7 51. Denied.

8 52. Denied.

9 53. No answer is required to paragraph 53.

10 54. These answering defendants do not know what damages the Port claims and are,
11 therefore, without knowledge and information sufficient to answer this paragraph, and therefore
12 deny same.

13 55. These answering defendants do not know what damages the Port claims and are,
14 therefore, without knowledge and information sufficient to answer this paragraph, and therefore
15 deny same.

16 56. Inchcape seeks a declaration. Except as so admitted, denied.

17 57. Inchcape seeks a declaration. Except as so admitted, denied.

18 58. These paragraphs are not directed at these answering defendants and no answer is
19 required.

20 59. These paragraphs are not directed at these answering defendants and no answer is
21 required.

22 60. These paragraphs are not directed at these answering defendants and no answer is
23 required.

61. These paragraphs are not directed at these answering defendants and no answer is required.

62. These paragraphs are not directed at these answering defendants and no answer is required.

63. These paragraphs are not directed at these answering defendants and no answer is required.

64. These paragraphs are not directed at these answering defendants and no answer is required.

65. These paragraphs are not directed at these answering defendants and no answer is required.

66. These paragraphs are not directed at these answering defendants and no answer is required.

AFFIRMATIVE DEFENSES TO INTERVENOR'S AMENDED COMPLAINT


These answering defendants incorporate herein, by reference, and reiterate herein those affirmative defenses raised in the answer to Inchcape's original complaint in intervention.

COUNTER CLAIM TO INTERVENOR'S AMENDED COMPLAINT IN INTERVENTION

These answering defendants incorporate herein, by reference, and reiterate herein, the Counterclaim set forth in the answer to Inchcape's original complaint in intervention.

DATED this 13th day of December, 2006.

**CAIRNCROSS & HEMPELMANN, PS
TEKER TORRES & TEKER, P.C.**

By 
LAWRENCE J. TEKER, ESQ., Attorneys for
Defendants *Marwan and Five Seas*

MARWAN AND FIVE SEAS ANSWER TO INCHCAPE'S
AMENDED COMPLAINT IN INTERVENTION; AND
COUNTERCLAIM - 6

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